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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,167	07/29/1998	STEPHEN A. BURDEAU	TN112	9794

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08/13/2003

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BLUE BELL, PA 19424

EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/127,167

Applicant(s)

BURDEAU, STEPHEN A.

Examiner

Li B. Zhen

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,933,601 to Fanshier in view of "Top End on Windows NT – The Continuing Evolution of Open Systems" (hereinafter NCR).

As to claim 1, Fanshier teaches (column 2, lines 26 – 36; column 2 line 65 – column 3, line 17; column 4, lines 39 – 52; column 15, lines 5 – 15) a clustered computing environment (distributed computing environment 10, known as a TOP END system, Fig. 1) comprising a plurality of nodes (TOP END system 10 is comprised of one or more nodes 12, Fig. 1), enabling a distributed network application (application components 20 are used to create and grow distributed TOP END systems, Fig. 1), a master node (ADMIN process 40 on the appropriate node 12 in the TOP END system 10; column 4, lines 52 – 61; it is noted that the master node is where the ADMIN process 40 resides), receiving an administrative request from the clustered computing environment at an originating node (SM API 34...communicates administrative requests and responses between nodes 12 and components 20, Fig. 2), determining whether the originating node is a designated master node for the distributed network application (TPSM utility 32 may be executed in either a local or a remote mode of operation. In the

local mode, the TPSM utility 32 makes requests directly to an ADMIN process 40; column 4, lines 45 – 51), and routing the administrative request from the originating node to the designated master node (in the remote mode, TPSM utility 32 makes requests to a communications or transport process 42, which forwards the requests to an ADMIN process 40 on the appropriate node 12 in the TOP END system 10; column 4, lines 52 – 63). The originating nodes is the designated master node when the TPSM utility is running in local mode because the TPSM utility resides on the same node as the ADMIN process 40. The administrative request is routed from the originating node to the designated master node when the TPSM utility is running in remote mode and the administrative request is forwarded to the ADMIN process on the appropriate node. Therefore, determining whether the TPSM utility is running in local or remote node is equivalent to the step of determining whether the originating node is the designated master. Although Fanshier clearly suggests centralized administration by forwarding the request to a node where the ADMIN process resides, Fanshier does not specify centralized administration and distributed application administration.

However, NCR teaches a TOP END system that supports centralized administration (Administration: Global Administration Node Capability, p. 5) and distributed application administration (Middleware Engine: X/Open XA-compliant Distributed Transaction Manager, p. 4 – 5).

It would have been obvious to one of ordinarily skilled in the art at the time of the invention, to apply the teaching of centralized application administration as taught by

NCR to the invention of Fanshier because this allows one node to control the distributed application and simply application state management and synchronization.

As to claim 5, this is an apparatus claim that corresponds to method claim 1; note the rejection of claim 1 above, which also meets this apparatus claim.

As to claim 8, see claim 1.

As to claim 9, Fanshier teaches (column 15, lines 9 – 15) determining if the originating node is the designated master node and capable of handling the request (Block 122 represents the ADMIN process 40 translating the command information into the appropriate message, locating the targeted systems 10, nodes 12, and/or components 20, Fig. 6).

3. Claims 2 – 4, 6, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanshier and NCR in view of Bendert U.S. Patent No. 6,275,867.

As to claims 2, 3, 6, 7, 10, and 11, Fanshier (column 4, lines 39 – 45) the originating node sending a request to the master node and receiving a reply from the master node (communicating administrative requests and responses between nodes 12 and components 20 in TOP END systems 10, Fig. 1). Fanshier does not specify communications between the two nodes via a named pipe.

However, Bendert (column 2, lines 15 – 30) teaches facilitating communication in a distributed processing system through the use of named pipes.

It would have been obvious to apply the use of named pipes to facilitate communications between two nodes as taught by Bendert to the invention of Fanshier

because named pipes can support more flexible communication and greater distance between nodes (column 2, lines 25 – 30 of Bendert).

As to claim 4, Fanshier teaches (column 3, lines 65 – 67) calling an administrative application programming interface (SM API) to initiate processing of the request (SM API 34 provides the functions necessary for the desired systems administration, Fig. 2).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Li B. Zhen
Examiner
Art Unit 2126

lbz
July 31, 2003



**JOHN FOLLANSBEE
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